

(2) The following additional colors will be used to categorize registration further:

(a) Noncommissioned officer personnel—Brown.

(b) Civilian employees (nonappropriated fund), Red Cross, concessionaires, contractors, and other similar categories—Black.

3. *Registration letters/numbers.* For each registration category a combination of letters and number(s) separated by the DLA emblem will be used. The number-letter system will progress from AA-1 to AA-2, and so on, to AA-99, from AB-1 to AB-99, eventually from AZ-1 to AZ-99, and so on from ZZ-1 to ZZ-99.

4. *Dimensions:*

a. Maximum size: 3 inches by 6 inches. For economy a reduced size decal may be used on POV's to include those with less than four wheels.

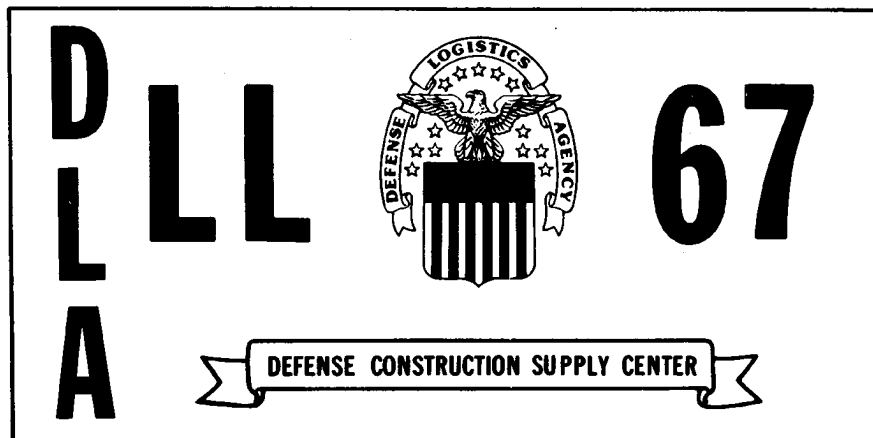
b. Registration letters and numerals: 1¼ to 1½ inches in height.

c. DLA emblem letters: 1½ inches to 1¾ inches in height.

d. DLA letters: ½ inch to ¾ inch in height.

e. Activity designation scroll and lettering: See appendix B.

STANDARD DLA PRIVATE VEHICLE IDENTIFICATION DEVICE



PART 1290—PREPARING AND PROCESSING MINOR OFFENSES AND VIOLATION NOTICES REFERRED TO U.S. DISTRICT COURTS

APPENDICES TO PART 1290

APPENDIX A—PREPARATION GUIDE FOR DD FORM 1805, VIOLATION NOTICE

APPENDIX B—TICKET SAMPLE—A PARKING VIOLATION

APPENDIX C—TICKET SAMPLE—A MOVING VIOLATION

APPENDIX D—TICKET SAMPLE—A NONTRAFFIC VIOLATION

AUTHORITY: Department of Defense Instruction 6055.4; 18 U.S.C. 13, 3401, and 3402.

Sec.

1290.1 References.¹

1290.2 Purpose and scope.

1290.3 Policy.

1290.4 Definitions.

1290.5 Background.

1290.6 Significant changes.

1290.7 Responsibilities.

1290.8 Procedures.

1290.9 Forms and reports.

¹Reference (a) may be purchased from the Commander, U.S. Army AG Publications Center, 2800 Eastern Blvd., Baltimore, MD 21220; reference (b) from the Defense Logistics Agency (DASC-IP), Cameron Station, Alexandria, VA 22314; references (c), (d), and (e) from the Superintendent of Documents,

Defense Logistics Agency

§ 1290.5

Source: 44 FR 55859, Sept. 28, 1979, unless otherwise noted.

§ 1290.1 References.

(a) DLAR 5720.1/AR 190-5/OPNAVINST 11200.5B/AFR 125-14/MCO 5110.1B, Motor Vehicle Traffic Supervision.

(b) DLAR 5710.1, Authority of Military Commanders To Issue Security Orders and Regulations for the Protection of Property or Places Under Their Command.

(c) Sections 1, 3401 and 3402, title 18, U.S.C.

(d) Rules of procedures for the Trial of Minor Offenses before United States Magistrates.

(e) Section 13, title 18, U.S.C., Assimilative Crimes Act.

§ 1290.2 Purpose and scope.

(a) This part 1290 implements DoD Instruction 6055.4, Department of Defense Traffic Safety Program, and sets forth basic objectives and procedures applicable to implementation of the Federal Magistrate System by DLA. This part 1290 is applicable to HQ DLA, Defense Supply Centers (DSC's), less Defense Fuel Supply Center and Defense Industrial Supply Center, and to Defense Depots, less Defense Depot Mechanicsburg. DLA activities/personnel tenant on other DoD activities will abide by the requirements of the host.

(b) This part 1290 provides Heads of DLA primary level field activities (PLFAs) with a means of exercising effective control over violators who are not otherwise under their jurisdiction.

§ 1290.3 Policy.

(a) It is the policy of HQ DLA that the Heads of DLA PLFAs will take such steps as are necessary to prevent offenses. Emphasis will be placed on prevention rather than apprehension and prosecution of offenders.

(b) The procedures outlined in this part 1290 may, at the discretion of the Head of the activity concerned, be invoked in lieu of the provisions of the Uniform Code of Military Justice (UCMJ) to deal with minor offenses of a civil nature, other than violations of

state traffic laws, committed by military personnel. These procedures may also be invoked to deal with nontraffic minor offenses committed by civilian personnel.

§ 1290.4 Definitions.

For the purpose of this part 1290 the following definitions apply:

This part 1290 supersedes part 1290 April 26, 1972.

(a) *Law Enforcement Personnel.* Persons authorized by the Head of the PLFA to direct, regulate, control traffic; to make apprehensions or arrests for violations of traffic regulations; or to issue citations or tickets. Personnel so designated will include the Command Security Officer and all other personnel in 080, 083, 085, or 1800 series positions.

(b) *Minor Federal Offenses.* Those offenses for which the authorized penalty does not exceed imprisonment for a period of 1 year, or a fine of not more than \$1000, or both (18 U.S.C. 3401f).

(c) *Petty Federal Offenses.* Those offenses for which the authorized penalty does not exceed imprisonment for a period of 6 months or a fine of not more than \$500, or both (18 U.S.C. 1(3)).

NOTE: A petty offense is a type of minor offense.

(d) *Violation Notice.* DD Form 1805, Violation Notice, which will be used to refer all petty offenses to the U.S. Magistrate/District Courts for disposition.

NOTE: A complaint, made under oath on forms provided by the magistrate, is the prescribed form for charging minor offenses other than petty offenses.

§ 1290.5 Background.

(a) DoD Instruction 6055.4 requires that all traffic violations occurring on DoD installations be referred to the appropriate United States Magistrate, or State or local system magistrate, in the interest of impartial judicial determination and effective law enforcement. Exceptions will be made only for those rare violations in which military discipline is the paramount consideration, or where the Federal court system having jurisdiction has notified the PLFA commander it will not accept certain offenses for disposition.

(b) Generally, the Federal Magistrate System applies state traffic laws and appropriate Federal laws to all personnel while on Federal property (section 13, title 18 U.S.C., Assimilative Crimes Act).

§ 1290.6 Significant changes.

This revision incorporates the DoD requirement for referral of traffic violations occurring on military installations to the Federal or local magistrate.

§ 1290.7 Responsibilities.

(a) HQ DLA.

(1) *The Command Security Officer, DLA (DLA-T)* will:

(i) Exercise staff supervision over the Magistrate system within DLA.

(ii) Provide guidance and assistance to DLA activities concerning administrative and procedural aspects of this part 1290.

(2) *The Counsel, DLA (DLA-G)* will provide guidance and assistance to DLA activities concerning legal aspects of this part 1290.

(b) *The Heads of DLA Primary Level Field Activities* will:

(1) Develop and put into effect the necessary regulatory and supervisory procedures to implement this part 1290.

(2) Ensure implementing directives authorize law enforcement/security force (080, 083, 085 and 1800 series) personnel to issue DD Form 1805.

(3) Periodically publish in the PLFA Daily or Weekly Bulletin, a listing of offenses for which mail-in procedures apply, with the amount of the fine for each, and a listing of offenses requiring mandatory appearance of the violator before the U.S. Magistrate. The listings will indicate that they are not necessarily all inclusive and that they are subject to change. A copy of the listings will be provided to the local Union representatives.

§ 1290.8 Procedures.

(a) *The U.S. Magistrate Court Provides DLA* with:

(1) The means to process and dispose of certain categories of minor offenses by mail. Under this system, U.S. Magistrate and District Courts will, by local court rule, preset fines for the bulk of petty violations (Federal or As-

simulated) and permit persons charged with such violations, who do not contest the charge nor wish to have a court hearing, to pay their fines by using mail-in, preaddressed, postage paid envelopes furnished to them with the violation notice.

(2) Efficient, minimal commitment of judicial and clerical time by using uniform procedures which centralize the collection of fines, the scheduling of mandatory hearings or hearings where violators request them, and the keeping of violator records.

(3) A simple but sure method of accounting for fines collected and tickets issued.

(4) Impartial enforcement of minor offense laws.

(b) *Court Appearances*—(1) *Mandatory Appearances.* (i) As required by the Administrative Office of the United States Courts, each District Court will determine, by local court rule, those offenses requiring mandatory appearance of violators. PLFA Counsels will coordinate with local magistrates or district courts and secure a court approved list of offenses requiring mandatory appearance of violators before the local U.S. Magistrate.

(ii) Mandatory appearance offense categories normally include:

(A) Indictable offenses.

(B) Offenses resulting in accidents.

(C) Operation of motor vehicle while under the influence of intoxicating alcohol or a narcotic or habit producing or other mind altering drug, or permitting another person who is under the influence of intoxicating alcohol, or a narcotic or habit producing or mind altering drug to operate a motor vehicle owned by the defendant or in his/her custody or control.

(D) Reckless driving or speeding.

(2) *Voluntary Appearances*—(i) *Requested by violators at the time DD Form 1805 is issued.* (A) Personnel issuing DD Form 1805 will refer violator for hearings before U.S. Magistrates in each instance where a hearing is requested by the violator.

(B) Command security officers will provide security force personnel with necessary information to facilitate scheduling violators to appear before U.S. Magistrates. Box B of the DD

Form 1805 will be marked by the issuing official for each violator requesting a hearing. Additionally procedures set forth in appendix A will be accomplished by the official issuing violation notice.

(ii) *Requested by violators by mail.* (A) Voluntary appearance procedures are also available for violators who are not present at the time a DD Form 1805 is issued (i.e., parking violations) or who subsequently decide to voluntarily appear before a U.S. Magistrate rather than pay the fine indicated in the DD Form 1805.

(B) Violators who use the mail-in procedure to voluntarily appear before a U.S. Magistrate must follow the instructions in Box B of the DD Form 1805 (violation copy). The violator will be notified by the clerk of the District Court of the time and place to appear for the scheduled hearing.

§ 1290.9 Forms and reports.

(a) General information on preparation and issue of DD Form 1805:

(1) The U.S. Magistrate system is based on use of a four-ply ticket designed to provide legal notice to violators and records required by the court, law enforcement authorities, and, if appropriate, the state motor vehicle departments. The DD Form 1805 is printed on chemically carbonized paper and prenumbered in series for accounting control. Heads of DLA primary level field activities are responsible for maintaining accountability for each ticket issued and stocks on hand.

(2) DLA field activity Counsels will coordinate with the U.S. Magistrate of the judicial district in which the activity is located and maintain the information listed below:

(i) List of petty offenses for which mail-in procedure is authorized and the amount of the fine for each specific offense. The District Court address will be prestamped on the violator's copy of the DD Form 1805 by the applicable issuing authority.

(ii) List of minor offenses requiring mandatory appearance of the violator before the magistrate. The name and location of the magistrate before whom violators will appear. Schedule will be coordinated with nearest Military

Service activity and appearance will be conducted jointly whenever possible.

(b) Issue procedures for DD Form 1805:

(1) Information entered on the DD Form 1805 is dependent upon two considerations:

(i) The type of violation, i.e., parking, (such as blocking a fire lane) moving traffic violation, or nontraffic offenses.

(ii) Whether the offense cited requires the mandatory appearance of the violator before a U.S. Magistrate.

(2) Preparation and disposition of DD Form 1805:

(i) See illustration in appendix B for petty offenses where the mail-in fine procedures are authorized.

(A) The amount of the fine for a specific offense must be recorded in the lower right corner of the DD Form 1805. This amount will always be predetermined by the U.S. Magistrate and provided to on duty enforcement personnel by the activity security officer or equivalent authority. When violation notices are issued for an offense (e.g., parking violation) and the offender is absent, all entries concerning the violator will be left blank.

(B) Disposition of DD Form 1805 will be as follows:

(1) The fourth copy (envelope) will be issued to the violator or placed on the vehicle of the violator.

(2) Copies one (white copy), two (yellow copy), and three (pink copy) will be returned to the Security Officer's office. The Security Officer will forward copies one and two, by letter of transmittal, to the appropriate U.S. District Court.

(3) Copy three will be filed at the Security Office or equivalent issuing authority. DLA Form 1454, Vehicle Registration/Driver Record, will be annotated with each traffic offense.

(ii) When DD Form 1805 is used to cite personnel for mail-in type violations, the appropriate supervisor will be provided an information copy of DLA Form 635, Security/Criminal Incident Report, denoting the date, time, place, and type of violation, and the amount of fine assessed.

(iii) Heads of DLA primary level field activities or their representative will not accept or otherwise collect any

finer or keep records of fines paid or not paid. They also will take no action concerning nonpayment delinquencies except where warrants are subsequently issued for the violator concerned by the appropriate court authorities.

(iv) See illustrations in appendices C and D for minor offenses requiring the mandatory appearance of violators before the U.S. Magistrate:

(A) Mail-in fine procedures will not apply in mandatory appearance cases. The law enforcement authority issuing a violation notice for an offense requiring mandatory appearance of the violator, will place a check mark in "Box A", DD Form 1805. The name and location of the U.S. Magistrate before whom the violator must appear will be inserted on the line below "United States District Court" as shown in appendix C. The date and time of the initial appearance will be entered in the space provided in "Box A". It is the violator's responsibility to verify the date, time, and place of required court appearances.

(B) Disposition of DD Form 1805 will be as follows:

(1) The fourth copy (envelope) will be issued to the violator.

(2) Copies one (white copy), two (yellow copy), and three (pink copy) will be returned to the Security Officer's office. The Security Officer will forward copies one and two, by transmittal as soon as possible, to the magistrate before whom the violator is scheduled to appear.

(3) Copy three will be filed in the office of the Security Officer or equivalent issuing authority.

(C) When DD Form 1805 is used to cite personnel for mandatory appear-

ance type offenses, the individual's supervisor will be provided an information copy of DLA Form 635, denoting the date, time, place, and type of violation, and the date the violator is scheduled to appear before the U.S. Magistrate.

(v) Additional information governing preparation of DD Form 1805 is provided as appendix A.

APPENDICES TO PART 1290

APPENDIX A—PREPARATION GUIDE FOR DD FORM 1805, VIOLATION NOTICE

All violations will require:

Last four digits of the Social Security Number of the Issuing guard/police officer (placed in space marked "Officer No."). Date of notice (is also violation date unless otherwise shown) and time. Description of violation, including place noted. Violation code number and issuing location code number (as determined by local Magistrate/District Court). Examples are shown at appendices B, C, and D.

In addition to above items

Parking offenses require: Vehicle description (make, color, body type), licensing state, auto license number; and, if violator is present: Driver permit number, driver address, driver's name (all of above items and); moving traffic offenses require: Birth date and sex, race (if it appears on driver's permit), height and weight.

Nontraffic offenses require: Statute violated, person's name, person's address, birth date, and sex; and, if applicable: Race, height, and weight.

All mailable disposition offenses—amount of fine (collateral).

All mandatory court offenses—Above data, as appropriate, and the place of court (i.e., Magistrate Court Address), the date and time of appearance (if known by officer), and check mark in Box "A".

APPENDIX B

TICKET SAMPLE - A PARKING VIOLATION

VIOLATION NOTICE FILED IN

UNITED STATES DISTRICT COURT OFFICE NO. **0416** CASE NO. **W A 10882**

Officer's SSAN

Officer's Signature

Officer's Name **John C. Day**

DATE OF VIOLATION **05/10/79**

TIME OF VIOLATION **1:20 PM**

VIOLATION CHARGED **VIOLATOR MUST DO**

1. ☐ PARKED OVERTIME

2. ☐ PARKED IN RESTRICTED ZONE

3. ☒ **Blocking Fire Lane**

4. ☐ **SW side Bldg 14**

5. ☐ NON-TRAFFIC

6. ☐ EXCEEDED SPEED

7. ☐ LIMIT BY DRIVING

8. ☐ OTHER

9. ☐ EXCEEDED PROP. DAMAGE

10. ☐ EXCEEDED

11. ☐ PERSONAL INJURY

12. ☐ ADM. HOSP.

13. ☐ NOT ADM. HOSP.

14. ☐ EXCEEDED

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**TICKET SAMPLE - A MOVING VIOLATION
(In Mandatory Appearance Category)**

Last Four Digits Officer's SSN		VIOLATION NOTICE FILED IN		UNITED STATES DISTRICT COURT		OFFICER NO. 0416		CASE NO. WA 10883	
Mandatory Appearance Location		200 N. Washington St., Alex. VA.							
Officer's Signature		John C. Doe							
Nature of Violation Place Noted		Sherman Avenue							
Description of Vehicle		VOID							
Auto Tag - State and Tag Number		WA 10883							
Driver Description and Identification		Violation Code: (Ex.) 1. - Parking 2. - Moving 3. - All Other							
Driver Description and Identification		Issuing Location Code: (Ex. - "CS" Cameron Sta.)							
Driver Description and Identification		Mandatory Appearance Time and Date							
Driver Description and Identification		Date, Time and Day of Week of Violation							

APPENDIX D
TICKET SAMPLE - A NONTRAFFIC VIOLATION
(In Mandatory Appearance Category)

VIOLATION		UNITED STATES DISTRICT COURT		OFFICER NO. 0416		CASE NO. NFA 10884	
NOTICE FILED IN		200 N. Washington St., Alex. VA.		VIOLATION CHARGED		DATE OF NOTICE 05/10/79	
OFFICER'S SIGNATURE		John C. Doe		VIOLATION CHARGED		DATE OF NOTICE 05/10/79	
Mandatory Appearance Location		200 N. Washington St., Alex. VA.		VIOLATION CHARGED		DATE OF NOTICE 05/10/79	
OFFICER'S SIGNATURE		John C. Doe		VIOLATION CHARGED		DATE OF NOTICE 05/10/79	
Nature of Violation, Place Noted (include statute violated)		Shoplifting (18.2-311)		VIOLATION CHARGED		DATE OF NOTICE 05/10/79	
Violator Description and Identification		Robert F. Simmons		VIOLATION CHARGED		DATE OF NOTICE 05/10/79	
Violation Code:		1. - Parking		VIOLATION CHARGED		DATE OF NOTICE 05/10/79	
Issuing Location Code:		(Ex. - "CS" Cameron Sta.)		VIOLATION CHARGED		DATE OF NOTICE 05/10/79	
Mandatory Appearance Time and Date		Date, Time and Day of Week of Violation		VIOLATION CHARGED		DATE OF NOTICE 05/10/79	

DO FORM 184 JUN 78 (ACCOUNTABLE) PREVIOUS EDITION WILL BE USED
(THIS FORM IS SUBJECT TO THE PRIVACY ACT OF 1974)

PART 1292—SECURITY OF DLA ACTIVITIES AND RESOURCES

Sec.

- 1292.1 Purpose and scope.
- 1292.2 Policy.
- 1292.3 Background.
- 1292.4 Responsibilities.
- 1292.5 Procedures.

APPENDIX A TO PART 1292—SECTION 21 OF THE INTERNAL SECURITY ACT OF 1950

AUTHORITY: DoD Directive 5200.8 and in accordance with Sec. 21 of the Internal Security Act of 1950, 50 U.S.C. 797.

SOURCE: 46 FR 13216, Feb. 20, 1981, unless otherwise noted.

§ 1292.1 Purpose and scope.

“To establish policy, assign responsibilities, and prescribe procedures for the issuance of security regulations and orders by Heads of DLA activities. This part 1292 implements DoD Directive 5200.8, Security of Military Installations and Resources, and is applicable to HQ DLA, DLA field activities and property/places subject to the jurisdiction or administration of the Defense Logistics Agency.

§ 1292.2 Policy.

(a) Military Heads of DLA field activities are authorized to issue or approve necessary security regulations and orders for the protection of property and places under their jurisdiction/administration. Regulations and orders for the protection of property and personnel of subordinate activities headed by civilians shall be promulgated by the military commander in the chain of command immediately above such subordinate activity.

(b) Regulations and orders for the protection of property and personnel of primary level field activities (PLFAs) headed by civilians, and subordinate activities of such PLFAs which likewise are headed by civilians, shall be promulgated by the Director, DLA/Deputy Director/Deputy Director, CAS.

(c) Heads of DLA field activities that are tenants on a military reservation, post, camp, station, installation, base, or Government-owned or leased facility administered by another command or agency are responsible for protection of property and places under their command and may issue security regula-

tions and orders in fulfillment of their responsibility to protect property and places under their jurisdiction and administration. However, separate security regulations and orders should not be issued when the host has issued security regulations and orders that afford protection to the DLA activity.

(d) Detailed physical security and emergency plans developed in conjunction with these security regulations and orders will be as prescribed by DLAM 5710.1, Physical Security Manual, and DLA War and Emergency Support Plan (WESP), part II, Annex A.

§ 1292.3 Background.

Section 21 of the Internal Security Act of 1950 (appendix A) authorizes the Secretary of Defense to designate military commanders to promulgate or approve regulations and orders for the protection of property and places under their command. DoD Directive 5200.8 designates military commanders of Army, Navy, Air Force, and Defense Agency activities as having authority to promulgate regulations and orders pursuant to the Internal Security Act of 1950.

§ 1292.4 Responsibilities.

(a) *HQ DLA.* (1) The Director, DLA/Deputy Director/Deputy Director, CAS will issue necessary security regulations and orders for PLFAs headed by civilians.

(2) The Command Security Officer, DLA (DLA-T) will:

(i) Provide technical staff guidance on the issuance of security regulations and orders.

(ii) Keep the Director, DLA informed of violations of regulations/orders as reported.

(b) *Field Activities.* (1) The Heads of Primary Level Field Activities will:

(i) Publish a physical security plan which provides proper and economical use of personnel and equipment to prevent or minimize loss or damage from theft, espionage, sabotage, and other criminal or disruptive activities.

(ii) Report violations of security regulations and orders to HQ DLA, ATTN: DLA-T, in accordance with DLAR 5705.1, Reporting of Security and Criminal Violations.